

**FINANCE AND FINANCIAL SERVICES COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE
Minutes**

A regular meeting of the Finance and Financial Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **August 1, 2001**.

MEMBERS PRESENT:

Legislator Michael Caracciolo - Chairman
Legislator Maxine Postal - Vice-Chair
Legislator Martin Haley
Legislator Cameron Alden
Legislator William Lindsay

ALSO IN ATTENDANCE:

Paul Sabatino II - Counsel to the Legislature
Fred Pollert - Director, Budget Review Office
Jim Spero - Deputy Director, Budget Review Office
Victoria Siracusa - Budget Review Office
Lance Reinheimer - Budget Review Office
Todd Johnson - County Executive's Office
Clark Gavin - Aide to Presiding Officer
James Catterson - Suffolk County District Attorney
Ed Flaherty - District Attorney's Office
Phyllis Garbarino - AME
Brian Watts - AME
David Green - Director of Labor Relations
Robert Draffin - Deputy Director of Labor Relations
Anne Martin - Probation Department
Phil Rubilotto - Suffolk County Police Department
James Maggio - Suffolk County Police Department
Alan Otto - Suffolk County Sheriffs Department
Ken Knappe - County Executive's Budget Office
Janet DeMarzo - Deputy County Executive
All other interested parties

MINUTES TAKEN BY:

Donna Barrett - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.*)

CHAIRMAN CARACCILO:

I'd like everyone to please take their seats. Will the members of the committee please rise for the Pledge of Allegiance to be led by Legislator Alden.

SALUTATION

CHAIRMAN CARACCILO:

The meeting will come to order. Clerk, note all members present. We have several presentations. I'd like to start with invited guests first. Chief Otto coming from the Sheriffs Department from Police Department, and I believe we have a representative from Probation.

MR. OTTO:

Good morning, Chairman and members of the Finance Committee.
{Lieutenant Robboca} will be passing out some handouts for everybody

to look at. We'll go over them really quick in order. Okay. The packages that you have are an explanation of department overtime to date along with its projections. And in the first chart, if you open up your package, you'll see a line graph with a red and blue line. Okay. The red being this current year as compared to last year. It's self explanatory. On the next chart, okay, we grouped the employees in three separate categories; sworn officers and civilians. We broke those down to Deputy Sheriffs and Correction Officers then a unique category is cooks. And that second graph compares July 2000 to July 2001. And if you look, Deputy Sheriff in 2000 we spent 2.3 million in overtime. Okay. In 2001, it's 2.4 currently, and I'll explain that in a while. Correction Officers, last year, was 5.0. We have now spent 3.3. in overtime for Correction Officers. And the cooks, last year we spent \$60,000 up to July, and this year we're \$18,000 in overtime. Chart three, next page, explains the staffing, which has a direct impact on the overtime that was spent for the sworn officers.

In July of 2000, we had 228 Deputy Sheriffs. Today, 2001, we only have 219. So we have nine less Deputy Sheriffs today, and on the other side, we have 59 more Correction Officers today. So you hire the individuals and the overtime goes down. If you don't hire or fill the vacancies, overtime goes up. Chart -- the next chart is a untitled chart. It just compares Deputy Sheriffs, Correction Officers and the cooks. Again, the same two time periods, 2001 to 2000. But it gives you an explanation of why the percentage change occurred. For instance, Deputy Sheriffs, it changed in increase 6.81%, but that's due to a 12% compounded raise for Deputy Sheriffs and nine less deputies last year. In other words, remember these figures aren't hours comparing, these are monetary figures. Deputy Sheriffs recently got a contract that came out to a 12% compounded raise over the contractual period, and it had nine less deputies. So therefore, the amount of money increased that we spent in overtime and that's really why it's 6.8% more.

On the Correction Officers, we have 59 more Correction Officers than last year, and also, regarding their contract, they don't have a contract. So there is no raise increase, so their salary levels are really attached directly to what they were last year. And that's why

they're 32% decrease over -- overtime period same as last year. And the jail cooks, okay, this percentage of change, although they just got a -- well, their contract, I guess, is going to be reviewed today and probably be voted on next week -- really didn't affect them at all. What we did, we put some administrative changes in place, and we were able to decrease their overtime 68%.

The next chart, again, just breaks down the separate appropriations, okay, and shows you either plus or minus how far ahead or how far behind we are as compared to the same time period last year. If you look all the way over to the right, that's the thing you really want to see. We're 20%, approximately 20% less overtime this year then we were last year. Our projections. Okay. That's the next chart, if you flip it over. It's pretty comprehensive chart. Basically, in order to do projections, everybody has their own way of doing it, I give the assignment to Lieutenant {Robboca} to figure out for me. And what he did was he projected it on the bottom of the chart three different ways. Okay. Overtime is projected three different ways. I don't think you can ask for much more than that. The bottom line is overtime that's projected to be used for 2001, will be approximately 1.8 to \$2 million more then what was budgeted for. However, at this

time, Lieutenant {Robboca} is going to pass out one more chart, and that's going to compare the overtime that was spent -- actually spent last year to the overtime that is projected that is projected to be spent this year.

CHAIRMAN CARACCIOLO:

Chief Otto, that comment you just made, was that in reference to this chart?

MR. OTTO:

Yes, sir.

CHAIRMAN CARACCIOLO:

Where on this chart are those numbers?

MR. OTTO:

Okay. If you look on the very bottom of the chart, you'll see the bottom left-hand side the last three lines, there's three projections.

CHAIRMAN CARACCIOLO:

I see it.

MR. OTTO:

And if you follow those over to the right, those are the bottom line totals, okay, of each projection.

CHAIRMAN CARACCIOLO:

Repeat the numbers, because neither Counsel nor I could reconcile the numbers you referenced.

MR. OTTO:

Okay. Well, we like to -- I think the most accurate projection is probably the last one. If you look on the last line on that chart, the way we did this projection, we took all the actual overtime that already occurred for the first 15 or 16 pay periods, we took that

figure then we took the actual comp figures for the first two quarters, and we projected it based on percentage of increase on the other chart, plus or minus, and the red figures for the rest of the year are projections. Those projections on the bottom line for each appropriation is showing you plus or minus how much in each appropriation would be ahead or behind, and it totals 2.081858. In other words, \$2 million less than what was budgeted for overtime for 2001. However, if you look at the chart that Lieutenant {Robboca} just passed out --

CHAIRMAN CARACCIOLO:

We clearly did not hear you say what you just said. So now that you've corrected the record, that's helpful. Okay. The final chart.

MR. OTTO:

Just a final chart.

CHAIRMAN CARACCIOLO:

Go ahead.

MR. OTTO:

If you look at the final chart, basically you have 2000 actual overtime versus fiscal year 2001 projected overtime. Lieutenant {Robboca} will explain that.

MR. {ROBBACO} :

Basically, with the deputies, the -- we're projecting that it will be a 10.76 increase over last year, and that's basically because of the nine less Deputy Sheriffs and that 12% raise compounded. With Corrections Officers, we figure that's it's going to be about a 33% decrease, and again, that's due to the 59 addition Corrections Officers that we got this year, and then the cooks overall are going to be a projected 33% decrease, and that's because the administrative changes that took place. Overall, we're going to be about \$2.7 million less than last year or a 19% decrease from last year.

CHAIRMAN CARACCILO:

With respect to these numbers, they're all subject to adjustment once the Correction Officers Union negotiates a new settlement -- a new contract with the County, which will be most likely retroactive?

MR. {ROBBACA} :

Yes.

CHAIRMAN CARACCILO:

I think it's important to keep that in mind. At this time I'd thank you for your presentation. I'm going to want to continue to move the meeting along. We have several more presentations. I would suggest to the members of the committee to review this information, submit any questions you have to the department. I'd appreciate it if you'd cc myself and Fred Pollert. I will be doing the same. And I would ask Budget Review Office to also go over these numbers and generate any questions you'd like to have resolved as a result of this presentation. At this time I'd like to acknowledge the presence for the purpose of a presentation, the Honorable District Attorney of Suffolk County, James Catterson. Is it James M. Catterson?

MR. CATTERSON:

Yes, it is. Good morning. I've asked Lieutenant Williams to hand out material that may -- Second Lieutenant Williams I might add. What I'd like to talk to you about this morning is a radical departure from the way we've been doing business for the last 21 years. This is a complete change over of the district attorneys, ADA salary plan. The present plan, for historical purposes, was enacted in 1980. It was adequate at the time, and it served our purposes. And its flaws were not apparent until changing economics hit us. But like the Julian calendar, as they say, over the years it's gradually gotten completely out of phase. Under today's economy, it can no longer guarantee the recruitment and retention of qualified lawyers to meet the County's need for an adequate number of prosecutors to service the criminal justice system. The problem simply put it this: Prior to an appointment, a young man or woman has to negotiate a four year college course and successfully complete an undergraduate program. They have to have a three year law degree. They have to successfully complete the requirements for admission to New York Bar. And they do this at their own expense. This is just to be eligible for the position.

If selected and their appointed to the District Court, they undergo an intensive training, while at the same time they're servicing the County's needs in the misdemeanor parts of the County. Their legal education does not end, but only begins in trial advocacy, criminal procedure, penal law, the latest changes and the changes are everyday, everywhere, anyhow. It's about a 2 year minimum before a young ADA can be in a position to try felonies, three for major felonies and

probably five or six or even more to try homicides. But within the last 2 years, we have seen a departure from our annual attrition rate, which averaged since 1980, around 16 a year. There have been as high in the 80's as 25 and 26. But we average about 16 people normally leaving the office and coming back in. In 1999, we had 16, in 2000, we had 21, and so far this year, 28. Why? There's a white hot economy in the legal profession right now, and we're getting recruited because maybe we're too good at training our young prosecutors. Every one of them, almost without exception, has left only for the money. They love their job, they like public service, they just can't afford to do it.

In fact, I was interested in today's Newsday, which we passed out, in which they point out the Long Island Region is the most expensive place in the nation to live and work. And when they said that a family of four requires \$52,000 minimum to survive, well, I have a lot of people that had a tough time surviving on the 42, 43 and \$45,000 we count them. Added to that is it's been a phenomenon in the last 20 years of the increasing availability in utilization of student loans. Forty one percent of my office have student loans, of that number, 41% have student loans in excess of \$75,000. So when I come aboard the office and you're admitted to the Bar and you receive a \$42,000 salary, you already have a mortgage for a house that you don't own and will never hope to own as long as you work in the County. We have high -- none reimbursed expenses.

For example, an ADA who lives in Huntington who's assigned to the East End must commute to Southampton each and every day in their own vehicle or get there somehow. There's no public transportation. And

these are things on top of that. Of course, it's unique that an ADA is classified in a management plan of the County. They're exempt. They can't organize, by State Law they cannot organize, they can't unionize, they can't do collective bargaining. They're a management primarily because of their unique status, in that they make heavy decisions everyday. We always tell them when we bring them in the office, they that they have every power of the district attorney except two; they can't sign extradition orders and they can't sign electronic surveillance orders. Other than that, they bind me, they bind the County with the decisions they make in the courtroom each and every day. They make decisions on search warrants, on arrest warrants. They work with the police, they work nights, they work weekends. All of this is not reimbursed. And they do it because they want to do public service, and obviously they want to increase their professional merchantability, and I don't blame them. But I have to tell you, this last loss has really even shocked me.

This is -- an election year is never a year to try to talk about, you know, spending money. But I tell you, whether I'm here next year or someone else is here next year, this problem is just not going to go away. And it's just as simple as that. Although we're the fifth busiest office in the New York State, our volume of business is higher than anyone except the big four in the city; that's Kings, Queens, Manhattan and New York. We're the lowest office in salary levels in the whole metropolitan area, which is the best paid in the State, I guess. This hampers us, not only in our recruitment, but in our retention. As you know, I told you, retention, we can't hold them. When they get to three years, firms come in from the City and offer them 25, \$35,000 more. We had one young fellow who really loved the job. And he was recruited by a firm from Miami who gave him an

increase of \$25,000 plus they paid 10% of his student loans, it was like another 10,000, like a signing bonus. And off he went to Miami. He had just gotten to the point in rackets where he was handling some very, very heavy cases.

The pool of people who apply for these jobs is not great. They're people who want to do public service. There's probably a pool that we see of about 3500 at the most. We probably get 1500 applications a year, but they send them to each and every office in new york -- in the metropolitan area. They don't just apply to us, they want to be prosecutors. And what happens -- and I think we handed out the salary ranges, entry level -- you can see when they get an offer from our office or from Manhattan or from Queens or even from Nassau, we're are they going to go? They don't know Suffolk County that well, they're looking for their first job. And invariably, we have a tough time recruiting quality prosecutors. We do very well, and I'm proud of that. But then you get them, and you can't hold on to them. It's as simple as that.

What do we propose? We propose a program which would eliminate our old pay plan and permit us to plug the ADA's into the County's current management plan so that there be a correlation between grades, steps and salaries. It will give us more flexibility to reward on merit those who are performing better than others. It would provide a method to ensure that our future increases are consistent with current management plans and salaries. And I keep saying management plans,

they're managers to the extent that they manage their caseload. In the District Court, young ADA, two of them, will handled a calendar of that court, which invariably averages about 1200 cases. And it's a rotating thing. And they're constantly running against the time. In Riverhead, in felonyland, the average load is about 60 felonies, plus another 50 that have not been presented to the Grand Jury yet. It's a very heavy caseload. We require extra work, they do a night cab, which is from five until ten at night, which is everyone pulls that duty one week, which means that they have to go work in the daytime, and five to ten, they're on call to the Police Departments of the entire County to assist them in search warrants, blood warrant and making the decisions that are critical in the interface before arrest and what happens after arrest and night arraignments. It just goes and on and on. They love the job, they really do. And you'll notice the Law Journal article, which I passed out, interviewed many of them, and they would stay if they could. They really would. And I'd like to help them make that decision, a career decision, to stay in the office.

The old management plan created really a ceiling, unless there was a vacancy above them, there was no way we could bring someone up. A new plan with steps and fewer grades would give us the flexibility to spread the personnel account over in a more equitable fashion. And it will encourage young people who are deciding should they stay here another two or three years or not? You know, when I first came in, I likened it to the military volunteer program. I did not require a commitment. I said I hope you'll stay for three years or more, but if you don't want to be here, you're not doing us any good and your not doing yourself any good. So I will not compel you to remain three years. And up to this point, I've never had a problem with anybody leaving in less than three years. Most of the time, it was four, five or six years if they want to go. Within the last year we've seen a few starting to leave two years, one and a half years, they just can't

afford it. And, of course, we have 42% of the office are women. These are people who went through law school, have now reached their early 30's, they want to start a family. It poses those additional burdens on the tear between families and the professional career, which makes it difficult again.

So these are the perimeters of our problem. Ed Flaherty has worked the technical details up. We think it's a feasible plan. It's the right thing to you, and I really have to ask you for your support. And if you have any questions, we'd be glad to answer them.

CHAIRMAN CARACCILOLO:

Mr. Catterson, with respect to the graduates coming out of the law school that go onto defense practice in a law firm starting out, what would be typical of a starting salary?

MR. CATTERSON:

Well, I think that would be -- in Suffolk County, the criminal defense work is just one step above the old neighborhood practice, except a few individuals. And they'll bring them on with about it's same starting salary, about 42, 45,000, but the thing with private practice is, is that you bring in a case on your own, the firm invariably will permit you to retain a percentage of the retainer fee. So there's the

incentive to bring in addition business, and they have no restrictions on who they can -- not only in criminal practice, but they can go out and do wills and they can do lot of other things. We have restrictions that there's no outside practice. So our people, if they wanted to and they had the ability, could not pick up outside income. So private practice is what you put into it. We're trying to prepare them for that they have to know that the job is not finished until it's finished. We don't have a nine to five policy. The office hours are nine to five, never less, usually a lot more. And if you have to interview a police officer at night because they'll only let you bring him in -- they won't give him overtime to come in and prepare a case, you'll have to come in on his regular tour. If he's working night tours, our ADAs have to in on their own time at night to prepare witnesses for trial the next day or over the weekend. This is just accepted practice. This is the way it is, and there's nothing we can do about that. So they have all the benefits of a nice practice, except they're not getting the money for it, and they can't do any outside work.

CHAIRMAN CARACCILOLO:

I have yet to see the financial impact statement for this resolution. Has one been prepared?

MR. CATTERSON:

Edward. I'm going to leave it to Eddie because he was working with Budget Review.

MR. FLAHERTY:

Budget Review has not completed its analysis, I'm informed. There was one submitted with the resolution by the Executive, which costed the plan out at full expense assuming all positions were filled in title for the entire year. And also, it's my understanding assuming that the 3% management salary increase was added to it. That indicated in the County Exec's proposal, I think a 2001 cost of \$689,000.

CHAIRMAN CARACCILOLO:

Currently, how many positions are vacant?

MR. FLAHERTY:

We now have 23 positions, 23 ADA positions vacant in the DA's office out of a total 147.

CHAIRMAN CARACCIOLO:

Okay. Fred refresh my memory as part of a -- some previous legislative action, there was an agreement that the District Attorney's Office would be restricted in its hiring for the remained of this year, just refresh my memory of that.

MR. POLLERT:

Yes. Specifically, that dealt with the contract with the Detective Investigators. The budget one that was put together had originally anticipated that 100% of the cost of that contract would be funded through the District Attorney's Office. The agreement was that one half of the cost would come out of the contingency account and that the District Attorney would make up one half of the cost of the contract through turnover savings in his budget, and that has been achieved.

CHAIRMAN CARACCIOLO:

We appreciate that.

MR. CATTERSON:

Thank you.

CHAIRMAN CARACCIOLO:

And hopefully, when this resolution comes before the committee, speaking for myself, it will receive in kind the same consideration as you have demonstrated to us.

LEG. LINDSAY:

Mr. Chairman, can I ask you --

CHAIRMAN CARACCIOLO:

Yes. Mr. Lindsay.

LEG. LINDSAY:

Either one of you fellows. Suffolk County has a judicial team that prosecutes a case from the judge to the bailiff to the court reporter to the assistant DA to the detective investigator. Would you guys say that the assistant DA is the lowest paid person on that team?

MR. FLAHERTY:

Generally speaking, yes.

MR. CATTERSON:

We don't know what the clerks of the court make, but let me tell you, -- we don't know what the clerks of the court make, but when an ADA is working with police or our own detective investigators, and they know what each others salary is -- because everybody knows what everybody elses salary is, you can imagine that has a morale affect. You're correct. They're at the lowest end of the pay scale, and they really carry the tremendous burden of moving the People's case forward. It's all on their shoulders.

LEG. LINDSAY:

The lead person.

MR. CATTERSON:

That's right.

INTRODUCTORY RESOLUTIONS

1702 Amending both the 2001 Adopted Operating Budget and the Suffolk County Salary and Classification Plan, as well as creating and amending titles and positions in the District Attorney's Office.

CHAIRMAN CARACCIOLO:

At this time -- unless -- are there any other questions? If there are no other questions, the Chair is going to break from practice and call this resolution out of order. I now have before me 1702 for approval, and I'll make a motion to approve.

LEG. ALDEN:

To the Chair, it's not on the agenda.

CHAIRMAN CARACCIOLO:

It's on the revised agenda. Here you go.

LEG. ALDEN:

No. You don't have to give it to me, it wasn't on the agenda, but that's all right.

CHAIRMAN CARACCIOLO:

It was a late starter. It was introduced Friday. Okay. It is the last resolution, it was added to this agenda as a result of being a late starter, 1702. I apologize. Here is, in fact, the new agenda.

LEG. HALEY:

Second.

CHAIRMAN CARACCIOLO:

We have a motion and a second --

MR. SABATINO:

Mr. Chairman, before the vote there is just one technical thing that came up in the intervening period of time. I'm not sure how to address it, but when this got broken out of the general management salary plan, the general management salary is now making a change with regard to the fringe benefit policy, so I'm not sure if the intention was to have this tracked. The changes that are in the general management salary plan are not -- it's not addressed, it's silent in this resolution. So I'm not sure how you want to deal with that.

MR. FLAHERTY:

I talked this over with the County Executive somewhat, and actually, a little bit with the Budget Review Office, not the benefit issue specifically, but as -- if you read this resolution in the context of the management salary plan by putting us -- if this resolution passes, by putting us into the management salary plan, I think the same benefits that apply to people in that management salary plan would apply to us.

MR. SABATINO:

Okay.

MR. FLAHERTY:

I think that's covered there, Paul. I'd be glad to talk with you --

MR. SABATINO:

My only point -- what happened was this got spun out. The other plan was dealing with everybody and making a change on the fringe benefit. Quite frankly, it didn't hit me until a little while ago when I was looking at this in the context of that. I'm not -- it's currently silent so you could --

MR. CATTERSON:

It was not the intention to exclude them from whatever benefits.

MR. SABATINO:

Okay. Then I think maybe that should just be worked out with the Executive's people when the other plan is being implemented so you don't wind up being out there alone on a track that doesn't connect back to the benefits.

MR. FLAHERTY:

Thank you.

CHAIRMAN CARACCILOLO:

That raises the question -- then before we move to motion -- in terms of the financial impact, Fred, would you have any comment on that.

MR. POLLERT:

The Budget Review Office met with Ed Flaherty yesterday. We're in the process of preparing an impact statement that will be prepared by Tuesday, but we couldn't get it prepared for this committee meeting. The fiscal impact statement requirement falls to the County Executive's Office because it's an Executive Resolution. They have prepared a fiscal impact statement.

CHAIRMAN CARACCILOLO:

All right. Then let me have Ken come up and address that question.

MR. KNAPPE:

Good morning. Could you just repeat the question, please?

CHAIRMAN CARACCILOLO:

Okay. As a result of the comments made by Counsel that this is -- this resolution would be taken up in total in consort with the management resolution that provides some addition benefits, what is the total financial impact? We heard a figure from Mr. Flaherty of \$689,000. The question is, is it something more than that? And if so, given the addition benefits in the management exempt salary proposal, what would that total amount be?

MR. KNAPPE:

The intent of the original fiscal impact in the District Attorney's resolution, it did take into account the accrual times that is being addressed in the management resolution. So that dollar that was spoken of before is a correct dollar amount of all the costs associated with the resolution.

CHAIRMAN CARACCILOLO:

Good. That makes the record complete. We'll now move on the motion. All in favor. Opposed? Abstentions? Hearing no opposed, no abstentions, it's approved unanimously. APPROVED (VOTE: 5-0-0-0).

MR. CATTERSON:

I want to thank you very, very much.

CHAIRMAN CARACCILO:

Okay. We have two additional presentations with regard to overtime expenditures of the Probation and Police Departments. So if you would come up jointly, hopefully we can do the same -- use the same format we did with the Sheriffs Department. Have you make brief presentations, and if we have questions we'll generate those to you in writing. Why don't you come up and make your presentation first. Okay.

MR. IARIA:

Vincent Iaria, Director of Probation. On my right is Anne Martin. And {Abel} is passing out some data. Anne prepared the presentation. I didn't think I'd be able to make this meeting, but I was able to get here. But I'm going to turn it over to Anne.

MS. MARTIN:

Good morning. We've distributed a summary, an actual analysis of the overtime for the first six months of this year, and it includes some of the high points of our overtime expenditures. What I thought I would do is really maybe begin with a bit good news, as I see it, and say that at this point, we are close to the projection that we put forth for our budget for the year 2001. For the balance of the year, we expect at this point, given the way that we are operating the department, we expect to come in pretty close to our projection for the year. And that in contrast to a year ago, I recall coming to this committee a year ago this time and talking in terms of the very high overtime that we were expending, largely related to our detention operation. And one of the reasons why have -- we're in a better condition this year is that we had to allocate, we actually designated staff to work in our holdover facilities. A lot of the detention cost was related to paying overtime to people to staff our two holdovers.

By allocating, by designating staff to work in those positions, we essentially eliminated much of the overtime, other than on the weekends. But we now have several individuals who staff around the clock our holdovers. And that has certainly been a significant reconfiguration of our staff. So again, I think that we're happy to be here today and give some good news. A couple of the plans that we are going to move forward on for the rest of the year relate to other efforts to keep overtime under control. One of the areas that we use overtime for is related to the execution of warrants in our Criminal Courts Division. We recently were able to hire a person for that unit to work a shift from 4:00 p.m. until midnight. So that is his regular shift. Rather than paying more people on the overtime basis, that's his shift.

Another issue is related to the increase in the residential placements. That's not detention, that's the long term placement of youth. And because we're being asked to explore placement and to actually place more and more youth by the court, more of our probation officers had had to take time away from their supervision responsibilities to focus on that aspect. And we've incurred some overtime related to that. As of next Monday we will be designating two probation officers to specialize in that particular function on the nine to five basis so that will help to minimize that overtime as well. So again, that's -- that's really the essence of our report, and I'd be happy to respond to any questions, but I'm glad to have some good news.

CHAIRMAN CARACCIOLO:

In terms of staffing, where is the department, and where are you in relationship to the new juvenile detention center that will be opened, and what is the timetable? Is that on schedule, Vinny?

MR. IARIA:

We have been meeting with -- the County has picked -- DPW has, through RFPS, picked an architect. We've been meeting with that architect. We're in the early design stages. We've been very happy with the knowledge of the architect. They have actually done detention centers in the past. So it seems like a good group. We're look to break ground in the fall for site preparation and building sometime in the late spring of next year. In terms of staffing, we do have probably about 30 vacancies that are not filled. And that obviously is problematic. But, you know, it's been part of the County Exec's plan to keep those positions vacant to meet the budget.

CHAIRMAN CARACCIOLO:

Once the new facility is opened, and I imagine that will be the year after next, what will be the staffing requirements?

MR. IARIA:

Well, we have enough positions in the budget --

CHAIRMAN CARACCIOLO:

I understand that, but since they're vacant positions, what will we need as a minimum to staff the facility?

MR. IARIA:

We probably --

CHAIRMAN CARACCIOLO:

You people up there in administration, you know how to coach those words.

MR. IARIA:

We have about -- we would need 35 people, but right now, we have some of those people doing some of that work, because we staff these holdover facilities. So we wouldn't need to hire a full 35. We'd probably need to hire about 15 or so.

CHAIRMAN CARACCIOLO:

Very good. Okay. Are there any other questions?

LEG. POSTAL:

I have a question.

CHAIRMAN CARACCIOLO:

Legislator Postal.

LEG. POSTAL:

We've been aware of the escalating costs in placement of juveniles in residential placements. And I want to ask obviously, probation is involved in the Drug Court and the Domestic Violence Court, that's just in the process, and I'm wondering what you see as a possibility to address the issue -- the issues that cause us to place juveniles in residential facilities in a court modeled on either the Drug Court -- the Drug Court and the Domestic Violence Court, where there's kind of a comprehensive effort to provide the kind the services and therapeutic services that would enable a juvenile to not be placed in

those residential facilities?

MR. IARIA:

This is a complicated question. And what it basically has to do with is we're convinced that we have suitable alternatives for residential placement. We've been a leader in designing those. And the juvenile -- there are some additional things we can do. The Family Court is talking about designing a juvenile delinquent Drug Court. But it comes down to the basic philosophy of the court. If the court believes that residential placement and the elected judge believes that residential placement is the best way to protect the community, then that's the way it's going to go, no matter what the Probation Department thinks and what the County philosophy and what the State philosophy might be. It's that individual elected judge making the decision.

LEG. POSTAL:

If the Family Court decided that they wanted to establish a Juvenile Court similar to the Drug Court, the Domestic Violence Court, what would be the -- and I know it's hard to make this projection -- but what do you think would be the impact on staffing in the Probation Department?

MR. IARIA:

There may be no impact, depending upon how that court is designed. So it's hard to say at this point.

LEG. POSTAL:

Thank you.

CHAIRMAN CARACCILOLO:

One quick observation, going through the employee expense report, we have an individual, I wouldn't mention the name, I'll mention the title, it's in public relations, and we have some \$2400 overtime expenditures -- \$3068, I'm sorry. Is there an explanation?

MR. IARIA:

That person doesn't get overtime, it's comp time. In other words, that person runs our Mentoring Program and works with a lot of families in the evening, they get time for time. An hour for an hour. You know, as part the management plan. So, you know, they get -- if they work an additional hour at night, they accrue some comp time.

CHAIRMAN CARACCILOLO:

But comp time is reversible in cash?

MR. IARIA:

No, they don't get paid. They don't get paid.

CHAIRMAN CARACCILOLO:

There is a dollar sign attached to the column that the figure appears in.

MR. IARIA:

That's the value associated with the hours according to our financial people.

CHAIRMAN CARACCILOLO:

Okay. Good explanation. Thank you very much. Likewise, as was said with the Sheriffs Department, if we have questions, we'll send you a

memo. Good morning, Chief.

MR. ROBILOTTO:

Good morning. We have not prepared any paperwork for obvious reasons. We anticipated the SOA contract coming out. And it's due out, apparently imminently. So what we will say is that we have lost 100 officers this year. We projected 85 retirements and we're already up to 100. The Military Buy Back Bill is costing us a substantial amount, that number is growing as we speak. We have 137 people currently in the Academy. One was fired, he couldn't pass the test. And two resigned. All of that said, with the second caveat that we can't predict the hurricane season, we are well within our budget. And we anticipate at the worst case scenario based on the detectives' contract and the superior officers' contracts that we would probably not go anymore than a million to a million and a half over.

CHAIRMAN CARACCIOLO:

Total budget amount of overtime in the Police Department this year?

MR. ROBILOTTO:

Twenty -- 21,050,000.

CHAIRMAN CARACCIOLO:

And its anticipated that we're going to exceed that amount?

MR. ROBILOTTO:

No. It's possible based on storms, if we have a couple of hurricanes, we would have trouble. If the contracts exceed the projection -- because we're sitting on two contracts that have two year retroactivity associated with them, all of that as a caveat, we are still within our budget.

CHAIRMAN CARACCIOLO:

Okay. Legislator Postal.

LEG. POSTAL:

I just want to say this is my 14th year here, and this is the first time I have ever heard anything like that, and I just think it's a tribute to you.

MR. ROBILOTTO:

Thank you.

CHAIRMAN CARACCIOLO:

As Counsel points out, that was after the Legislature cut the budget and everyone said, couldn't live within it, but you did. And that's certainly complimentary.

MR. ROBILOTTO:

Thank you.

CHAIRMAN CARACCIOLO:

Okay. Likewise, with the previous departments, if we have questions, specific questions, we'll generate a memo. Appreciate your response. Thank you. I do not have any cards, but I know there are people in the audience that would like to address the committee. So at this time, let me have Labor Relations come up to speak to the resolution for the Association for Municipal Employees' new contract. And anyone from the administration or the department want to join Dave, you're welcome. Then I will ask Phyllis also to come up.

LEG. HALEY:

Mr. Chairman, I'm just concerned that Mr. Green might hurt their chances.

CHAIRMAN CARACCILOLO:

Phyllis is here to make sure that doesn't happen.

MR. GREEN:

I think the package is fairly self-explanatory. I guess the first thing everybody asks is what the percentages are. And that's always the cornerstone of any agreement. It's three-year contract. January 1, 2001 through January 1, 2003 for the raises; 3% the first year, 3 1/4 the second year, and 3 1/4 the third year. I think when you look at this you will see that this is a fair and reasonable offer to both parties. Quite frankly, I think in the history of AME, this is the quickest the parties have ever been able to come to a resolution, the shortest period of time without a contract for the rank and file.

Some of the other issues that are embodied in this that our concerned -- naturally the management -- I'm sure Phyllis would like to point out it's more in tune to the Union needs -- is we have an additional work, 2 1/2 hours per employee for the first year of their employment to get some savings and productivity. And one other clause way in the back on job abandonment. We have currently people who decide no longer to work for the County, but won't resign. We're compelled to go up to an Article 75 and spend a tremendous amount of money on legal fees and other things to get people to leave a job they no longer want. Now we have a job abandonment clause so if people decide to move to Florida and refuse to sign a resignation letter, we don't have to go through this long legal procedure to terminate them. It's really beneficial to the County to be able to free up those lines as soon as possible, because many times they're in positions we would like to fill, but we're compelled to keep them on hold until which time this individual can be forced to resign. All the rest is fairly self-explanatory. There's the modest increase in longevity, a modest increase in cleaning clothing. One thing that should be noticed, on Number 17, that in event of a pregnancy that involves an cesarean section, it goes from eight now to 12 weeks of disability. This is in recognition of the difficulty many women have going through a cesarean section.

And we've also addressed the parks -- the parks -- Park Police issue of how to resolve their work charts. We weren't able to come to an agreement right there, but Article 15 allows us to meet the Union and the Parks Department or the Commissioner to try to resolve the issue of the work charts. In sum and substance, that's really the highlights from where I'm sitting. I'm sure Phyllis would like to touch on some other issues.

MS. GARBARINO:

Thank you. We're here obviously, to urge to support this document. It is not only a reasonable document for the -- fiscally conservative for the County, it is also reasonable for the membership, and their overwhelming support of it has shown that. We were mindful through the whole process of everything on both sides. We retained an outside consultant to go over the figures, to make sure that the figures we were given -- not only that they were the same, but we were not putting the County in a position for somebody to say, well, we don't have the money here. So this was a long process but a very responsible process. And the things that are in there address the

needs of the membership, certainly not all of them. No contract can ever address the fact -- we address over 1400 titles, it's a very difficult thing to address every problem that exists in the County. But the contract also keeps the lines of communication open for some of the problems that exist that could not be addressed in this contract.

And as a result of the last contract where we had the Tuition Reimbursement Committee, and we put in several years of work into looking into that to reform the tuition reimbursement process. So that proves that this can work also, and it can be more responsible for both sides for the benefit for both the County and the membership of our union. I don't think there's anything in this contract that's unreasonable. The fact that there is only six months -- well, it will be a little more than six months by the time it's all paid out in retroactivity -- puts the County in a better position in funding, that is, there are no unknowns, you have all the factors there. So I believe this is a very good contract for both sides and urge you to see it the same as both the Labor Relations and the County Executive's Office and our membership have seen.

CHAIRMAN CARACCIOLO:

Okay. Fred, the wage increases incorporated are fairly consistent with the CPI, at least the recent CPI for this year anyhow, 3%; is that not correct?

MR. POLLERT:

Yes, that's correct.

CHAIRMAN CARACCIOLO:

Based on your review and evaluation, are there any sleeper clauses in the new agreement that could come back and cost the County a large sum of money at a later date?

MR. POLLERT:

No. It's a straight forward contract. We did a complete review of the contract, and there were no sleeper clauses in the contract.

CHAIRMAN CARACCIOLO:

Okay. It's clearly not a back-ended contract then?

MR. POLLERT:

No, it's not,

CHAIRMAN CARACCIOLO:

Item 15, Park Police work schedule, Dave, could you just elaborate what this paragraph refers to.

MR. GREEN:

As you well know the Park Police being police officers with a union which is not a total police union, a lot of their, how would you say, their work rules are remarkably different then the rest of the rank and file. It was very difficulty to resolve the issue at the table without having the Commissioner of Parks, without having the Chief, without having representatives of the union from the Parks Department. So after wrestling with it, we felt we should embody this in the contract, which compels us within 60 days after final ratification to sit down to see if we can resolve all these work rule issues. It's a small group, it's only about 25 or 26. So it was very hard to hold up a contract for 6000 people while we're wrestling on work rules for like 25 people. But as Phyllis pointed out, we had the same thing

with tuition reimbursement last time, we put it in the contract, we got the issue resolved. So we no reason why this won't lead to a resolution of work rule issues within the Parks Department for the police.

CHAIRMAN CARACCIOLO:
What type of work rule issues?

MR. GREEN:
Well, the question of work charts. You know, they work at 261 right now. The question is should it or should it not be a 261? Should we look to have rotating shifts, which we have or should we have steady shifts? All those issues that are attendant to normal police charts. And they feel -- speaking from what I understand from the union -- that in the past, the contracts have not really addressed their work rule issues, because the 25 people out of 6000 and change -- this gives an opportunity for the Commissioner from the Parks Department to have some real say in what he thinks that work force should be involved in terms of coverage.

After all, when you look at the Parks Department, they're very unique in this, they have like a very busy season and you have a slow season. So a chart that may work in the winter, may not work in the summer. So one of the areas we were exploring is we may need a split chart; a chart that works for the summer and a different chart for the winter. But to get it done without having all those people involved in the process would be a guesstimate at best. And we didn't want to, you know, get involved in guesstimates so we wanted a clause and the union wanted a clause, where the Commissioner could be actively involved. So whatever we came up with is not only workable, doable, but also affordable.

CHAIRMAN CARACCIOLO:
Do we hire seasonals in the Parks Department for --

MR. GREEN:
I know we have in the past. I don't know what the plans are in the future. But I know in the past, they've hired seasonal Park Police to help supplement. And that's one of the things we have to look at in terms of freeing up vacation time in the summer. But they really have a busy, busy season and then a not so busy season. Do you really need the same kind of work chart for the summer months as compared to the winter months? And these are the issues you really have to sit down with the technocrats and look at their work assignments to see what is the most effective? How do we get the best bang for our buck given the limited number of people we have out there? And we felt this was the best way to address it.

CHAIRMAN CARACCIOLO:
And ultimately, how was there a resolution to that process?

MR. GREEN:
As I pointed out before, there is no written resolution. If we can't come to an agreement, we can't come to an agreement. But as Phyllis pointed out, when we've embodied these type of clauses like tuition reimbursement, we came to an agreement. This is more of a technical problem than it is a logistical problem. It's getting the people in the room, getting the Commissioner and his Chief to articulate what their needs are and balancing out with the financial needs and the union's concerns. And when you have 25 people, it's very hard to give

it the kind of attention when you're dealing with 6000 at the table. And rather than just dismiss it out of hand and leave it for the next time, we thought let's get it done once and for all.

CHAIRMAN CARACCILOLO:

Okay. And number 26, again, Park Police, there's a reference here to -- and I don't know if this is a new provision -- "they shall be subject to drug and alcohol testing procedures" similar to the other uniformed services.

MR. GREEN:

That's correct.

CHAIRMAN CARACCILOLO:

That's new?

MR. GREEN:

That's new. And it's consistent with their position that, you know, they want to be treated more like police. Well, there's good news and there's bad news. You get some of the perks, and you also get some of the testing. And it's not an unreasonable position for both parties to agree to that. After all, they are police officers, they do carry 9mm weapons. And both parties agree they should be subject so the public is secure in the knowledge that these people capable of doing their job in an efficient manner.

CHAIRMAN CARACCILOLO:

Okay. Number 19, the workweek/workday.

MR. GREEN:

After ratification, new employs for the first year of their employment will work an additional two and a half hours. So if you're a 37 and a half hour employee, you would work 40. If you were a 35 hour employee, you would work 37 and a half. And after one year, you would revert back to the traditional workweek.

CHAIRMAN CARACCILOLO:

Okay. Are there any questions from the committee? Legislator Lindsay.

LEG. LINDSAY:

Yeah, just a comment, not a question. I compliment both of you for making collective bargaining --

MR. GREEN:

You're going to ruin my reputation, so maybe you want to rethink that.

LEG. LINDSAY:

No, I don't. I don't want to rethink that. I know the history of previous negotiations, and I think you both should be complemented on making the collective bargaining process work.

MR. GREEN:

Thank you very much.

MS. GARBARINO:

Thank you.

CHAIRMAN CARACCILOLO:

Phyllis, I'm looking at the signatories to the agreement and there seem to be some blank lines, just because people were not available?

MS. GARBARINO:

They weren't there the day that -- we have another document with those signatures filled in. The these were the negotiating team --

CHAIRMAN CARACCILOLO:

I know this was ratified overwhelmingly so to those officers of your association that weren't there, shame on them.

MS. GARBARINO:

These were the negotiating team members who couldn't make it in that day, but they have signed on another document.

CHAIRMAN CARACCILOLO:

Maybe they need release time.

MR. GREEN:

Only a retro check will do.

CHAIRMAN CARACCILOLO:

Okay. Any other questions? Hearing none, thank you all. That brings us to, I guess, the management exempt salary proposal, and who is here to speak to that.

CHAIRMAN CARACCILOLO:

Hi, Janet.

MS. DEMARZO:

Good morning. I'm here to speak to the Management Resolution. Regularly this would be the Budget Director, Ken Weiss, he's not available today so I'm here to answer questions. Ken Knappe is with me to answer more of the fiscal questions. I don't have a formal presentation, but I can give you an overall summary of the Management Resolution. The resolution covers all individuals who are employed by the County that are covered by a collective bargaining agreement. They're essentially Management Confidential, Board of Elections and County Attorney. The earlier resolution was the District Attorney who had previously been a specific part of the management resolution, while he was included by reference to the benefits, the salary structure was adopted in a separate resolution.

This resolution tracks the AME annual COLAS. It's a 3% increase for 2001 and 3.25 for 2002 and 2003. As you will recall, management employees do not get specific steps as the AME contract does so that is a distinction between the two of them. The other provision of this resolution, which is noteworthy is that there has been provisions added to modify the accrual -- to modify, I guess I call it the accrual pay out provisions. In a resolution adopted in 1988, management employees up to that point had been tracking union employees in their -- both their salary structure and in their accruals; how much they got in a biweekly basis and how much they were eligible to receive as what we traditionally call SCAT pay.

In the 1988 amendment, sick pay was taken completely out of consideration, SCAT pay and vacation pay was cut back. There's a chart in the resolution, which I need to refer to. And vacation pay was cut back to a maximum of 30 days pay for every for 60 accrued days. So it's two for one. What we did in this resolution was we sought to restore management SCAT accruals to half the AME level. Such that under the union contract, union employees are entitled to a

maximum of 180 days paid for 360 accrued days. One day for every two days. Management employees were not eligible to use sick upon resignation for any SCAT pay. This resolution would give them a maximum of 90 days paid or 180 accrued days. Under the paid vacation accruals upon termination or separation, union employees would get a maximum of 90 days for one day, it's a one for one. And currently nonunion employees get 30 days paid for 60 accrued days. One day for every two accrued days. We'd restore that to one day for every day accrued up to a maximum of 60 days. We -- we thought that the accrual situation deserves some attention, it's been a long time since 1988, and in trying to find some balance the sense was that half of what the municipal employees received would be a fair compensation.

We do maintain the reduced level of vacation and sick accruals. As you know, under the union contract, union employees get 13 sick days a year. Management employees get ten. And under the vacation structure, management employees are capped at five weeks, where under the union agreement, you can go up to six weeks. We also included a chart in there laying out the different rates of pay for the management employees and the union employees. Without the steps, a number of employees in management have not moved up as quickly as some of their people they supervise in the union structure. So essentially the resolution mirrors AME in the annuals COLAS, provides some restoration and would cover all management or nonunion people. I can answer any questions. We can go over the fiscal impact.

CHAIRMAN CARACCILO:
Legislator Alden.

LEG. ALDEN:
Janet, traditionally has this been the practice as far as giving the management raises by resolution?

MS. DEMARZO:
Yes. Usually the management -- yes. It requires an act County Legislature to provide the COLAS to management employees.

LEG. ALDEN:
When was the last time that we considered a resolution like this?

MS. DEMARZO:
The last time was when we did the AME contract. They were done within the same year. I don't remember the year.

MR. SABATINO:
1997.

LEG. ALDEN:
And that was for a two year time frame or a three year?

MS. DEMARZO:
Three.

LEG. ALDEN:
So that expired last year. So there's been nothing --

MS. DEMARZO:
No. The way the structure works is we have -- our ending date is the same as the management employees. The only exception to it is electeds. Their covered under the local law so they automatically

under the local law there's a calculation for a cost of living, but management employees are not covered by the local law. It's a separate resolution.

LEG. ALDEN:

And for the year 2000 and for the year 2001, did management employees get a raise?

MS. DEMARZO:

In 2000 there was a COLA. I don't know the number. It was about 2%.

LEG. ALDEN:

So 2001, they did not receive a raise. Is this retroactive then?

MS. DEMARZO:

This is retroactive to January 1, 2001.

LEG. ALDEN:

Okay.

CHAIRMAN CARACCILOLO:

Legislator Lindsay.

LEG. LINDSAY:

Just, Janet, for clarification, and I think I know the answer, but the DA's people there, this COLA increase is already included in his presentation, am I correct on that, Mr. Pollert?

MR. POLLERT:

The proposed contract for the District Attorney will included being slotted into the management salary plan, but it will also include a COLA increase, that's correct,

LEG. LINDSAY:

So the section that deals with the assistant DAs was included in the DA's presentation.

MR. POLLERT:

That's correct.

CHAIRMAN CARACCILOLO:

Vicki, what is the average salary for an exempt management employee? And how does that compare with an AME employee?

MS. SIRACUSA:

The current average salary, before this resolution is approved for exempts, \$65,112 annually. The average salary for AME for the same time, the year 2000 is 43,271.

CHAIRMAN CARACCILOLO:

Do you have a figure for all departments, all personnel, Countywide average?

MS. SIRACUSA:

No, I don't not.

CHAIRMAN CARACCILOLO:

It would bring the figure back up.

MR. POLLERT:

Roughly \$55,000

CHAIRMAN CARACCIOLO:

Roughly \$55,000. You point out on Page 3 of your report that there is sufficient funds in the current budget in contingency accounts to pay for the these adjustments, retroactive increases for both AME and management exempt employees. However, the fund balance of would only have \$1.86 million remaining for other labor settlements.

MS. SIRACUSA:

That's correct. That's in the contingent account, not necessarily the fund balance for the general fund, but in the contingent account that was created for these agreements.

CHAIRMAN CARACCIOLO:

Okay. The \$18.3 million that was set aside in the contingency account, that was the amount recommended and approved by the Legislature?

MS. SIRACUSA:

Correct.

CHAIRMAN CARACCIOLO:

Therefore, we'll be looking at significant short falls once the other labor unions settle their agreements. We just heard for the first time that the Superior Officer Association has apparently a new arbitration award that's eminent. I don't know how eminent, but apparently to Artie {Clift} and others that's good news. That said where -- when we get into the budget process in a couple of months -- do we address the issue of that, what's going to be a contingency account shortfall?

MR. POLLERT:

Both Ken and myself have been concerned about the amount of funds that have been included within the contingency account because in particular you have several major unions that had not yet settled that have a significant retroactive component to it. Both of our budget models taken into account, what -- we are currently forecasting our surpluses in the permanent salary accounts because of both a position control policy as well as the fact that turnover is higher than it was originally anticipated. Therefore, there are not sufficient funds within the contingency account, but there should be overall sufficient amount of funds within the personnel account. The broader problem is with respect to the Superior Officers Association, many of which are included in a stand-alone fund, the police district. The multi-year cost of that is clearly going to have a dramatic impact upon the police district. So we believe that we can probably fund those contracts this year depending upon the timing; however, there will be a budgetary impact in future years.

CHAIRMAN CARACCIOLO:

Do you have is estimate of what that might be?

MR. POLLERT:

No, we don't. At this point in time the Budget Review Office was using a pattern contract with respect to the SOA and the detectives. We were hopeful that the actual settlement will be less than what was granted to the PBA.

CHAIRMAN CARACCIOLO:

On Page 2, at the top -- I believe Vicki prepared this report so I'll address the question to you, Vicki. It indicates that there are 340

-- no. Actually, beginning at the bottom of Page 1 -- that the model you used it indicates there are 349 employees not represented by collective bargaining units, and using the May 27th payroll as a base for our analysis, we determine that the three year financial impact is \$4,993,392. If you break that down to a per employee additional cost, if you divide the 349 into that figure, what is that amount?

MS. SIRACUSA:
14,307.

CHAIRMAN CARACCIOLO:
So the three year annual -- the three year cost --

MS. SIRACUSA:
Cumulative.

CHAIRMAN CARACCIOLO:
-- per employee is -- let me have that again, please.

MS. SIRACUSA:
It's a three year cumulative cost per employee is 14,307 on average.

CHAIRMAN CARACCIOLO:
Okay. How does that compare with the AME agreement, the AME employees?

MR. POLLERT:
Actually, we didn't look at it in terms in of the total cost, but on the AME contract the total incremental is approximately \$5300 per employee and that compares to the detective investigators, which is one year longer with an average cost of approximately \$48,000 per employee.

CHAIRMAN CARACCIOLO:
No. That's incorrect. It can't be \$48,000 per employee. Detective investigators?

MR. POLLERT:
That's correct.

CHAIRMAN CARACCIOLO:
The annual increase --

MR. POLLERT:
No. No. Not the annual increase, the total average increase over the four-year term of the detective investigators is roughly \$48,000.

CHAIRMAN CARACCIOLO:
What was the total financial impact for the detective investigators cause I seem to remember a figure that was three or \$400,000. And then we have about a hundred --

MR. POLLERT:
It was \$1.872 million

CHAIRMAN CARACCIOLO:
But then we have payroll cost savings as a result of a DA not hiring.

MR. POLLERT:
That's correct, but the total incremental cost was approximately \$1.8 million.

CHAIRMAN CARACCILO:

But that's not additional out of pocket cost.

MR. POLLERT:

Yes, it is.

CHAIRMAN CARACCILO:

Well. It is but it's being offset by other savings.

MR. POLLERT:

Right.

CHAIRMAN CARACCILO:

That's my point. And what is the average -- average cost under the new PBA contract per employee?

MR. POLLERT:

That I don't recall offhand. I know it is dramatic because it impacts not just the direct salaries, but also the accruals and the overtime. But I don't recall what the number is offhand. Ken, perhaps you know?

MR. KNAPPE:

I don't.

CHAIRMAN CARACCILO:

Given that this would reinstate the pre '88 accruals, what is the financial impact given -- I mean, I don't know how many management exempt employees are eligible to retire -- will be eligible to retire in the next three or four years. Do you have a calculation on that?

MR. REINHEIMER:

We based our impact on the 1999 Early Retirement Program as to the average payout for participants of that program, estimating that there will be about 15 retirements, there's 100 eligible people that would be eligible during the period of this agreement, the three year agreement. We assume -- approximately 5% would retire, which would be approximately 15 over the period of time. 15% would retire over the period of the agreement making -- using the averages from the 1999 Early Retirement Program on payout for vacation and sick days and using the salaries for the -- average salary for these exempt employees, the three year cost for terminal, vacation, sick pay would be an additional \$348,000.

CHAIRMAN CARACCILO:

Okay. And that's factored into that \$14,000 --

MR. REINHEIMER:

No. The \$14,000 was the cumulative salary increase.

CHAIRMAN CARACCILO:

So the total cost increase for employee then would be how much?

MR. REINHEIMER:

The 14,000 did include that.

CHAIRMAN CARACCILO:

Just to reiterate or recap, would the Corrections Officers and the Detective Association contracts arbitration awards, in the case of detectives, outstanding, there will be a significant shortfall in the contingency account when we look at next year's budget?

MR. POLLERT:

We believe that there will be a shortfall in this year's contingency account because of the large retroactivity amount. The -- there is, however, a projected shortfall -- there is, however, a projected surplus in the permanent --

CHAIRMAN CARACCIOLO:

I heard you say that earlier. Will they offset each other, you think?

MR. POLLERT:

Hopefully.

MS. DEMARZO:

Prior to leaving, Ken Weiss and I met on this issue. And similar to how we've discussed the District Attorney's Detective Investigators, the idea was to move forward with the resolution and to decide once we had moved through the year how much the 110 would cover as the District Attorney's Investigator contract provide and how much would come out of contingency, with the two accounts being sufficient to cover both costs. As you know, the position control effort undertaken earlier this year has left our 110 accounts with surpluses, so the Budget Office and Budget Review have been looking at down the road making the adjustments so that all the money doesn't come out of the contingency, but that the 110 account does bring revenues to this. So it won't -- at the Budget Review analysis presents it, it would all be coming from contingency, but that's not the intention of the Budget Office. It's to work with BRO to find out how much would be 110 and how much would be contingency. And that would be a resolution submitted later during the year on to the Legislature because your goal is to ensure that we can move forward with collective bargaining agreements with the other outstanding union contracts.

CHAIRMAN CARACCIOLO:

Are there any other questions? Thank you very much. We are going to take a five minute recess. Hopefully we can round up Legislator Haley then we'll go to the agenda.

(A FIVE MINUTE RECESS WAS TAKEN AT 10:55 A.M.)

(THE MEETING WAS RECONVENED AT 11:05 A.M.)

CHAIRMAN CARACCIOLO:

We'll reconvene the Finance and Financial Services Committee meeting. Will the members return to the horseshoe, please.

Legislative Counsel return to the horseshoe. Is there anyone else in the audience that would like to address the committee? We'll go to the agenda.

TABLED RESOLUTIONS

1261 Adopting Local Law No. -2001. A Charter Law to stabilize real property taxes by optimizing use of the tax stabilization reserve fund. (County Exec.)

CHAIRMAN CARACCIOLO:

Is there a motion?

LEG. POSTAL:

Motion to table.

CHAIRMAN CARACCILO:

Motion to table by Legislator Postal. Seconded by the Chair. All in favor? Opposed? Abstentions? Unanimous. TABLED (VOTE: 5-0-0-0)

1262 Adopting Local Law No. -2001, a Charter Law to streamline Suffolk County 5-25-5 debt policy. (County Exec.)

CHAIRMAN CARACCILO:

1262. Same motion. Same second. All in favor? Opposed? Abstentions? Motion is unanimous. TABLED (VOTE: 5-0-0-0)

1264 Amending Section 719-6 of the Suffolk County Code. (County Exec.)

CHAIRMAN CARACCILO:

1264. Same motion. Same second. All in favor? Opposed? Abstentions? Unanimous. TABLED (VOTE 5-0-0-0)

INTRODUCTORY PRIME RESOLUTIONS

1619 To readjust, compromise and grant funds and charge-backs on correction of errors/County Treasurer by: County Legislature #133. (County Exec.)

1620 To readjust, compromise and grant refunds and charge-backs on correction of errors/County Treasurer by: County Legislature #134. (County Exec)

1621 To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control Company No. 674-2001. (County Exec.)

LEG. POSTAL:

Motion to approve and place on the Consent Calender.

CHAIRMAN CARACCILO:

Motion to approve 1619, 1620, and 1621. Seconded by Legislator Alden. All in favor? Opposed? Abstentions. 1619, 1620, 1621 are approved and placed on the Consent Calender. APPROVED (VOTE: 5-0-0-0)

1659. Authorizing the County Executive to execute an agreement with the Suffolk County Association of Municipal Employees Bargaining Units No. 2 and No. 6, covering the terms and conditions of employment for the period January 1, 2001 through December 31, 2003. (County Exec)

LEG. POSTAL:

Motion to approve.

CHAIRMAN CARACCILO:

Motion by Legislator Postal. Seconded by the Chair. All in favor? Opposed? Abstentions? Unanimous. APPROVED (VOTE: 5-0-0-0)

1660. Adopting salary plans for employees who are excluded from Bargaining units. (County Exec)

LEG. POSTAL:

Motion.

LEG. ALDEN:

Second.

CHAIRMAN CARACCIOLO:

Motion by Legislator Postal. Seconded by Legislator Alden. What does that management exempt employee salary proposal increase equal? Is it a 3% annual increase factored into the accruals? Is it something less, something more?

MR. POLLERT:

Because the primary impact is with respect to the salaries, it's 3% this year 3 1/4, 3 1/4. It's a salary increase that far overshadows all the overall cost increases like the FICA retirement and the vacation accruals. So it's basically just the total incremental cost of the 3, 3 1/4, 3 1/4.

CHAIRMAN CARACCIOLO:

Okay. We're in business. We have a motion by Legislator Postal. Seconded by the Chair. All in favor? Opposed? Abstentions? Unanimous. APPROVED (VOTE: 5-0-0-0)

SENSE RESOLUTIONS PRIME

Sense 58-2001 Memorializing resolution requesting State of New York to improve the system of Medicaid Administration. (P.O. Tonna)

CHAIRMAN CARACCIOLO:

Explanation, Counsel.

MR. SABATINO:

58 deals with a specific Assembly and Senate Bill, which is currently pending in the state which would require State Department of Health to reform the current administration of the Medicaid Program to provide reduced costs to municipalities. It's a recommendation that came out of NYSAC, and it's currently in the form of a state bill.

CHAIRMAN CARACCIOLO:

Motion by the Chair. Seconded by Legislator Postal. All in favor? Opposed? Abstentions? Unanimous. APPROVED (VOTE: 5-0-0-0)

SENSE 59-2001 Memorializing resolution requesting State of New York to limit aggregate local financial share of cost Medicaid. (P.O. Tonna)

CHAIRMAN CARACCIOLO:

Sense 59, I imagine that's a similar recommendation.

MR. SABATINO:

Well, this one has also got an Assembly bill that, you know, makes a request that there be a cap placed on the amount of funding that's required from localities, such as the County.

CHAIRMAN CARACCIOLO:

On that, Budget Review or maybe Counsel, in New York, localities are required to pay 50% of Medicaid costs?

MR. SABATINO:

25% of the total, 50% of the local because the federal government says it's a 50/50 proposition, which means federal gets 50 and then the state gets 50. Most states, I think only nine or eight, pass it down to the county. New York is one of those eight or nine states where

there's a county share.

CHAIRMAN CARACCIOLO:

Thank you. Same motion. Same second. Same vote.

APPROVED (VOTE: 5-0-0-0)

Sense 60-2001 Memorializing resolution requesting State of New York to eliminate the local financial share of program enhancements under Medicaid. (P.O. Tonna)

CHAIRMAN CARACCIOLO:

Sense 60, same motion. Same second. All in favor? Opposed?

Abstentions? Same vote. APPROVED (VOTE: 5-0-0-0)

INTRODUCTORY NON-PRIME

1631 Accepting and appropriating 100% grant funds from the New York State Department of Health to the Department of Health Services, Division of Patient Care Services for improving access to primary care through technology solutions. (County Exec)

1632 Accepting and appropriating 100% Federal grant funds from the NYS Department of Health to the Department of Services, Division of Patient Care Services for the Tuberculosis Targeted Testing and Prevention and Control Program. (County Exec)

1633 Accepting and appropriating additional 100% Federal grant funds from the Health Research Inc., to the Department of Health Services, Division of Public Health for a West Nile Virus Surveillance and Education Program. (County Exec)

1634 Accepting and appropriating 100% Federal grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services to expand Case Management Services in Suffolk County. (County Exec)

CHAIRMAN CARACCIOLO:

Motion by Legislator Postal. Seconded by the Chair to approve. All in favor? Opposed? Abstentions? Unanimous.

APPROVED (VOTE: 5-0-0-0)

1655 Requesting Legislative approval of a contract award for Dental Laboratory Services to be provided to the Suffolk County Department of Health Services. (County Exec)

LEG. ALDEN:

Motion to defer.

LEG. POSTAL:

Second.

CHAIRMAN CARACCIOLO:

Motion by Legislator Alden . Seconded by Legislator Postal to defer to prime. All in favor? Opposed? Abstentions? Defer to prime.

DEFER TO PRIME (VOTE: 5-0-0-0)

1658. Appropriating funds in connection with the purchase of equipment for Health Centers. (County Exec)

CHAIRMAN CARACCIOLO:

Same motion. Same second. All in favor? Opposed? Abstentions?

Same vote. DEFER TO PRIME (VOTE: 5-0-0-0)

1664 Amending Adopted 2001 Capital Budget and Program and appropriating funds in connection with traffic signal installation at County Police Department Second Precinct in Huntington. (Cooper)

LEG. POSTAL:
Motion to table.

CHAIRMAN CARACCILOLO:
No. Actually, I want to make a motion for the purposes of defeating the resolution. I have been contacted by the Presiding Officer's Office, and he indicates that this is an installation in his district and he would like to see this resolution defeated.

LEG. POSTAL:
Mr. Chairman.

LEG. HALEY:
Say that again.

LEG. POSTAL:
Mr. Chairman.

CHAIRMAN CARACCILOLO:
You heard me right.
LEG. HALEY:
No, I'm serious. I didn't hear you.

CHAIRMAN CARACCILOLO:
I'll repeat. I've been contacted by the Presiding Officer's staff, actually, his Legislative District Office, and advised that he is opposed to this resolution.

LEG. HALEY:
Can you give a reason. I forgot. It was in his district, something about his district.

CHAIRMAN CARACCILOLO:
Then obviously he spoke to you as well.

LEG. HALEY:
No. No. You said that. Am I crazy or --

CHAIRMAN CARACCILOLO:
Yes. He's opposed to having another Legislator from outside his district sponsoring legislation that impacts his district. And I believe he will speak to the sponsor of this resolution accordingly.

LEG. HALEY:
1658?

LEG. POSTAL:
Mr. Chairman. Mr. Chairman. Mr. Chairman.

CHAIRMAN CARACCILOLO:
1664.

LEG. POSTAL:
Mr. Chairman.

CHAIRMAN CARACCILOLO:

Yes. I'm listening to this side-bar.

LEG. POSTAL:

I spoke to the sponsor of this bill, Legislator Cooper, and first of all, Legislator Cooper would like to table this resolution for exactly the reason you're bringing up. Because he said that initially he was contacted by the Second Precinct, and he was not sure about where the boundaries of the district were. So he really was under the impression that it within his Legislative district.

CHAIRMAN CARACCILOLO:

We have two Legislator who don't know their district now.

CHAIRMAN BISHOP:

I know mine.

LEG. POSTAL:

If you let me -- no. It's actually -- it's a very -- if you know the Huntington Legislative Districts, they're cut very strangely.

LEG. HALEY:

As is most things in Huntington.

LEG. POSTAL:

So that Legislator Cooper's Office contacted Legislator Tonna's Office when they discovered that this was actually in Legislator Tonna's district. And I believe that they were interested in having Legislator Tonna become the prime sponsor, this is kind of an in state of discussion, and I think that at the very least we should table this, give it a chance to be agreeably worked out.

LEG. LINDSAY:

I'll second that.

MR. HALEY:

Mr. Chairman.

CHAIRMAN CARACCILOLO:

I'm just conveying to the committee the remarks that --

LEG. HALEY:

Mr. Chairman. I agree with you, Mr. Chairman. So all in favor of tabling? Opposed? It's defeated. Motion to approve for the purposes of defeating the resolution.

LEG. ALDEN:

Who voted to table?

LEG. POSTAL:

I did.

LEG. ALDEN:

It's three. I'm sorry, I didn't hear the vote call.

CHAIRMAN CARACCILOLO:

Did you hear my comments regarding the Presiding Officer's wishes on this resolution?

LEG. ALDEN:

Yeah. It almost made me want to --

CHAIRMAN CARACCIOLO:

Fine. It's tabled. TABLED (VOTE: 3-2-0-0)

1672. Appropriating funds for dredging of Goldsmith's Inlet, Town of Southold. (Caracciolo)

CHAIRMAN CARACCIOLO:

I'll defer this to prime, which is Public Works this afternoon.

Seconded by Legislator Postal. All in favor? Opposed? Abstentions?

Unanimous. DEFER TO PRIME (VOTE: 5-0-0-0)

Okay. That concludes the business before the committee. We stand adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 11:15 A.M.*)

{ } denotes being spelled phonetically
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